IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 21196 of 2006(W)

PETITIONERS:

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1. GIRISH SAJNATH,
   VAZHA PARAMBIL, PARUMALA, THIRUVALLA.

2. MAHI V.DAMODARAN,
   VAZHAPARAMBIL, PARUMALA, THIRUVALLA.

BY ADV. SRI.R.KRISHNA RAJ

RESPONDENTS:

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1. STATE OF KERALA,
   REP. BY ITS SECRETARY, EDUCATION DEPARTMENT,
   THIRUVANANTHAPURAM.

2. DEPUTY DIRECTOR OF EDUCATION, ERNAKULAM.

3. DIRECTOR OF PUBLIC INSTRUCTION,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT. M.R. SREELATHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 21196 OF 2006

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Dated this the 21st day of March, 2007

JUDGMENT

Petitioners challenge Ext.P3. It was pursuant to Ext.P2 judgment that apparently Ext.P3 has been passed. The claim of the petitioners was for interest for delayed payment of family pension. They have submitted a representation. By Ext.P2 judgment this court found as follows:

> "Government Pleader was heard in the matter. He submits that the petitioners will be advised of the result of Ext.P3 within a period of two months from the date of receipt of a copy of this judgment."

In Ext.P3 what is stated is that there is no mention either in the judgment in O.P.38067 of 2002 or in Ext.P2 judgment regarding any delay occurred in sanctioning the pensionary benefits. Interest on pensionary benefit can be sanctioned only if there is specific direction in the judgment for that and interest cannot be sanctioned on personal request, it is stated. On that basis representation was rejected. The prayer of the petitioners is to pay interest at the rate of 6% on the

arrears of family pension from 23.5.1993. According to the petitioners there was no justification for granting pension belatedly, and therefore they are bound to compensate by paying interest.

2. Heard Government Pleader also.

3. I feel that the approach of the respondents cannot be sustained. This court proceeded on the basis in Ext.P2 judgment that without adequate material enquiry may not be productive. In such circumstances, I feel that the matter has to be reconsidered.

Ext.P3 is quashed and there will be a direction to the first respondent to consider and take a decision afresh in accordance with law within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.